Mayor & Council of Berlin

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Town of Berlin
Planning Commission Agenda
October 10, 2018 6:00 PM
Berlin Town Hall – Council Chambers

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes –
4. Main Place Bldg. #4 – Site Plan Approval
5. Concept Plan review – Houck property, Map 25 Parcel 460
6. Ordinance 2018-06 - An Ordinance of the Mayor & Council, Permitting a Group Home to Be Allowed As A Conditional Use In The B-1 Zoning District Subject To Area Limitations.
7. Comments from the Commissioners
8. Comments from the Chairman
9. Comments from the Public
10. Adjournment

Staff Report to the Berlin Planning Commission

Meeting Date: October 10, 2018

Tonight's first agenda item is a Site Plan Approval request from G2 Properties, Inc. for a medical office building to be constructed in the Berlin Main Place complex on North Main Street. The new building will be designated as Building #4 on the previously approved six building master plan, leaving one future building remaining to complete the project. The parcel is zoned B-2 Shopping District, which allows for this use by right. Staff recommends approval of the site plan.

The second item on the agenda is a Concept Plan Review for Last Stop Boardwalk, LLC to construct two 7,000 square foot retail and office space buildings on the parcel known as Worcester Tax Map No. 25, Parcel 460, at the northwest corner of the intersection of U.S. Route 50 and MD Route 818 (North Main Street). You may recall that in November, 2014 the Planning Commission passed a motion to recommend to the Mayor and Council to rezone this parcel from M1A Industrial District to the B-2 Shopping District. The Mayor and Council subsequently agreed with your recommendation and rezoned the parcel in early 2015. The proposed uses are permitted by right in the B-2. This is a review of concept and design only, the applicant is seeking input and suggestions from the Commission before requesting Site Plan Approval at a later date.

Our last item is the review of a proposed ordinance prepared by Town Attorney David Gaskill, to amend Zoning Chapter 108 of the Berlin Town Code by adding a definition of Group Homes, and adding Ordinance 2018-06, which would allow such group homes as a conditional use approved by the Board of Zoning Appeals only in the B-1 Zoning District east of U.S. Route 113. This is the area where the previously approved Hope4Recovery House is about to begin operations. The current Town Code has no definition of group homes, or where or how they are approved. The ordinance would provide a process and a limited area where such group homes may be granted a conditional use, and provides the Town some measure of control of the process. Per Chapter 108, Section 108-215(a) "Procedure for Change", ..."the Planning Commission MAY(not shall) hold such public hearing" and make its recommendation and report to the Mayor and Council, who would then be required to hold a public hearing and pass a resolution to accept your recommendation and amend the Town Code and Zoning Chapter 108 with these additions. Staff recommends adoption of the proposed Ordinance 2018-06 and definition by passing a motion to recommend its adoption to the Mayor and Council.

Respectfully submitted,

David H. Engelhart

Dave Engelhart, Planning Director

ORDINANCE 2018-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 108, ARTICLE I, SECTION 108-5, ENTITLED "DEFINITIONS," BY ADDING A DEFINITION OF "GROUP HOME."

NOW THEREFORE, BE IT ENACTED by the Mayor and Council of the Town of Berlin that Chapter 108, Article I, Section 108-5 be amended as follows:

Section 108-5 - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a structure subordinate to an existing principal building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use.

Accessory living quarters means an accessory building used solely as the temporary dwelling of guests of the occupants of an existing principal use; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory use means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with such primary use.

Agriculture means the use of land for agricultural purposes, including field cropping, pasturing, aquaculture, horticulture, floriculture, viticulture, forestry, tree farming and the necessary accessory uses for packing, treatment or storing the produce thereof; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities and provided further that the above uses shall not include the business of keeping poultry or garbage feeding of hogs or other animals, or fur farms, or the raising of such animals as rats, mice, monkeys, reptiles and the like.

Alley means a public or private way affording secondary means of access to abutting property, having a width more than ten feet, but less than 16 feet in width, which has been dedicated or deeded to the public for public use.

Basement means a story where the floor is more than 12 inches, but not more than one-half of its story height, below the average level of the adjoining ground.

(5) *Dwelling, limited*, means a dwelling unit consisting of no more than two rooms, exclusive of bath facilities, designed or intended for retirement living or temporary assisted living, including nursing homes, assisted living facilities and retirement housing having shared dining and recreational facilities.

Essential services means facilities owned or maintained by public utility companies or public agencies, located in public ways or in easements provided for the purpose or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication or similar services to adjacent customers, but not including any building or any yard, station or facility requiring a site in excess of 400 square feet and not including any cross-country pipeline or transmission line on towers or any line requiring a private right-of-way.

Family means a person living alone or two or more persons living together as a single housekeeping unit, but not including a group of persons occupying a boardinghouse, lodginghouse, hotel, dormitory or institution.

Farm means a parcel of land not less than five acres in size used for agricultural purposes as defined in this chapter.

Fence means a fixed structure designed to define a designated area or property.

Flag lot means a polygonal-shaped lot that has the appearance of a flag with staff or panhandle in which the handle or staff is used as the point to a street or road. The term "flag lot" and "panhandle" are synonymous.

Garage, private, means a garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises.

Garage, public, means a space or structure other than a private garage for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or recreational vehicles.

GROUP HOME MEANS A STATE LICENSED COMMUNITY RESIDENTIAL FACILITY HOUSING AND PROVIDING HABILITATIVE SERVICES TO EIGHT OR FEWER PERSONS, NOT INCLUDING STAFF, WHO ARE DEVELOPMENTALLY DISABLED OR ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION.

Home occupation means a business conducted in a dwelling or a single accessory building and in accordance with the provisions of section 108-867.

ORDINANCE 2018-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, ENACTING AN ORDINANCE PERMITTING A GROUP HOME TO BE ALLOWED AS A CONDITIONAL USE SUBJECT TO APPROVAL BY THE BOARD OF ZONING APPEALS IN THE B-1 ZONING DISTRICT SUBJECT TO AREA LIMITATIONS.

BE IT RESOLVED by the Mayor and Council of the Town of Berlin, Maryland that Article VI, entitled "District and District Regulations," Division 6, entitled "B-1 Town Center District," Section 108-441 be ENACTED as follows:

Section 108-441 - Group Homes

A Group Home as defined in Section 108-5 may be permitted as a conditional use in the B-1 Town Center District subject to the approval of such conditional use in that district by the Board of Zoning Appeals. The area in which a group home may be permitted as a conditional use shall be restricted to the area of Old Ocean City Boulevard east of U.S. Route 113 in the B-1 Town Center District.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____,2018, and thereafter a statement of the substance of the Ordinance having been published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this ___ day of _____, 2018, by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of _____ in favor, to _____ opposed, with _____ abstaining.

_____
Elroy Brittingham, Vice-President

Approved on this _____ day of _____, 2018 by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the ____ day of _____, 2018.

_____
Wm. Gee Williams, Mayor

_____
ATTEST: Laura Allen, Town Administrator